

# **TRINIDAD AND TOBAGO 2013 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Republic of Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature. The island of Tobago has a House of Assembly that has some administrative autonomy over local matters. In the May 2010 elections, which observers considered generally free and fair, the People's Partnership coalition led by Kamla Persad-Bissessar of the United National Congress (UNC) defeated Prime Minister Patrick Manning's People's National Movement (PNM) government. Security forces reported to civilian authorities. Security forces generally did not commit human rights abuses.

The most serious human rights problems were police killings during apprehension or while in custody and poor treatment of suspects, detainees, and prisoners.

Other human rights problems involved inmate illnesses and injuries due to poor prison conditions, a slow judicial system, high-profile cases of alleged bribery, violence and discrimination against women, and inadequate services for vulnerable children.

The government took some steps to punish security force members and other officials charged with killings or other abuse, but there continued to be a perception of impunity based on the open-ended nature of many investigations and the generally slow pace of criminal judicial proceedings.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

The government or its agents did not commit any politically motivated killings, but according to official figures police shot and killed 21 persons through November 1, compared with 21 in all of 2012. The independent Police Complaints Authority (PCA) conducted investigations into fatal police shootings.

On September 1, police shot and killed Christopher Greaves. The police officers reported they were on a mobile patrol when they came across Greaves and other men, one of whom allegedly had a gun. Police opened fire, killing Greaves with several bullets to the back. The PCA immediately opened an investigation into the shooting.

In July a magistrate ruled that the case against six police officers charged in the 2011 killings of Kerron Fernando Eccles, Abigail Johnson, and Alana Duncan in Barrackpore should go to trial. In addition, hearings continued into all other police killings in 2012 and earlier years.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the constitution and the law prohibit such practices, there were credible reports that police officers and prison guards mistreated individuals under arrest or in detention. From 2005 through 2012, the government paid or was found liable to pay more than 10 million Trinidad & Tobago dollars (TT\$) (\$1.6 million) in compensation to prisoners on claims of excessive use of force by prison officers.

Residents of Laventille alleged that police and soldiers abused them during a May 21 protest. The protest began after the arrest of a 19-year-old man from the area. According to Laventille residents, police officers repeatedly beat the arrestee. In July, Laventille residents renewed their claims of police brutality after a similar protest.

### **Prison and Detention Center Conditions**

Conditions in some of the prison system's eight facilities continued to be harsh.

Physical Conditions: The country's prisons, with a design capacity for 4,886 inmates, held an average daily population of 3,800. Of those, approximately 1,700 were convicted inmates, and 2,100 were in pretrial or other status. Pretrial detainees often waited six to 10 years before their cases went to trial. Some prisons suffered from extreme overcrowding, while others were not at full capacity.

Observers often described the Port of Spain Prison and the Golden Grove Remand Yard as having particularly poor conditions and severe overcrowding, with as many as 10 prisoners kept in 10-by-10-foot cells. The Port of Spain Prison, designed to hold 250 inmates, held 600 prisoners, and the Remand Yard, designed

to hold 600 inmates, held 1,156 prisoners. Prisoners at both prisons had sufficient access to medical services, but caregivers often lacked sufficient medical supplies. Medical professionals visited the prison two or three times a week.

The Port of Spain Prison and the Golden Grove Remand Yard held 50 percent of the prison population, while other prison facilities remained below capacity. Neither of these facilities had adequate lighting, ventilation, or sanitation facilities. Prisoners at all facilities had access to potable water. Authorities held pretrial detainees separately from convicted prisoners.

In November prisoners at the Golden Grove Remand Yard and the Maximum Security Prison claimed prison officers halted educational programs and slowed food service, leaving prisoners hungry. As a result, there were incidents of violence, including prisoners setting small fires and altercations between inmates. Prison officers began the alleged mistreatment of prisoners after the killing of one of the prison officers outside of work. In response to the disturbances in the prisons, the prime minister convened a special committee of senior-level law enforcement officials to investigate and address the problems.

Although conditions at the women's prison were better than those in the Port of Spain and remand prisons, the women's facility occasionally became overcrowded, since it held both women on remand and those serving prison sentences. The daily average female prison population was 120, with maximum capacity of 150.

Since there is no female youth facility, authorities placed some underage female prisoners in the custody of a Roman Catholic facility and others in a segregated wing of the women's prison.

Authorities held a daily average of 190 male juveniles separately from adults at the Youth Training Center and held fewer than 23 female juveniles in custody at the women's prison. Observers raised concerns throughout the year that the women's prison also held young girls who had not committed any offense but who were in state custody.

There were 2,200 prison officers. Authorities charged a number of prison officers for offenses including larceny, drug trafficking, possession of marijuana, and smuggling of contraband to prisoners.

The government also operates the Immigration Detention Center, where most detainees were illegal immigrants who could not afford the cost of travel to their

home country. The center had an intended capacity of 150, and men and women had separate facilities. Observers reported that the men's section was overcrowded, but the women's section was below capacity. Detainees had access to potable water, medical care, and sanitation facilities, as well as regular outdoor access.

Administration: The Ministry of Justice has responsibility for the prison service. Prisoner recordkeeping was adequate. Authorities made use of alternative sentencing for some nonviolent offenders and worked to refine alternative sentencing options, including the Drug Treatment Court. The Ministry of Justice conducted a review and evaluation of all major inmate rehabilitation programs throughout the prison service.

Prisoners and detainees had reasonable access to visitors and could observe their religious practices. Prison authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and request investigations of credible allegations of inhumane conditions. Prisoners could also contact the office of the ombudsman, which has the authority to investigate complaints related to the functions and duties of most government departments. Authorities investigated and monitored prison and detention center conditions but did not document the results in a publicly accessible manner.

Independent Monitoring: The government permitted prison visits by independent human rights observers upon approval of the Ministry of Justice.

Improvements: During the year the Prison Service focused on restorative justice and inmate rehabilitation, increased powers for prisons inspectors, improved prison infrastructure, and better working conditions for officers. In May the Ministry of Justice announced a memorandum of understanding with the government of Canada to strengthen prison facility planning, offender management, juvenile justice, and correctional programs.

#### **d. Arbitrary Arrest or Detention**

The constitution and the law prohibit arbitrary arrest and detention. Reports of abuses by police remained under investigation at year's end.

The Anti-Gang Act bans membership in criminal gangs and gang-related activities as defined within the statute and permits authorities to hold suspects detained under the law without bail for up to 120 days pending the filing of specific charges.

Critics charged that the law facilitates the arbitrary arrest and detention of innocent citizens. Authorities continued to arrest many individuals pursuant to the anti-gang law but subsequently released most arrestees.

Lawsuits filed in 2012 by some of the approximately 450 suspects detained during the 2011 state of emergency remained pending before the courts. During the year the courts made several awards in other cases from prior years brought on grounds of wrongful arrest and imprisonment.

### **Role of the Police and Security Apparatus**

The Ministry of National Security oversees the police service, immigration division, and defense force. The police service maintains internal security, while the defense force is responsible for external security but also has certain domestic security responsibilities. Members of the defense force often joined police officers in patrolling high-crime neighborhoods. The defense force members did not have arrest authority.

The independent Police Service Commission, in consultation with the prime minister, appoints a commissioner of police to oversee the police force. That commission also makes hiring and firing decisions in the police service, and the ministry typically has little direct influence over changes in senior positions. Municipal police under the jurisdiction of 14 regional administrative bodies supplement the national police force. Public confidence in the police was very low because of high crime and perceived corruption.

The PCA investigates complaints about the conduct of police officers. During the year observers complained that the government underfunded the independent unit, citing low salaries as the reason key positions remained unfilled. The PCA had 13 investigators, and from October 1, 2012, through September 30, the unit received 727 complaints. The PCA referred 312 complaints to the police commissioner and had 331 complaints pending at year's end. Based on the PCA's investigations, the Police Service Commission then has the power to suspend or dismiss police officers, while the Department of Public Prosecution has the power to charge officers. The Police Professional Standards Unit and the Police Complaints Division, both nonindependent bodies within the police service, also investigated complaints against the police.

### **Arrest Procedures and Treatment of Detainees**

A police officer may arrest a person based on a warrant issued or authorized by a magistrate, or without a warrant if the officer witnesses the commission of an alleged offense. Detainees, as well as those summoned to appear before a magistrate, must appear in court within 48 hours. In cases of more serious offenses, the magistrate either commits the accused to prison on remand or allows the accused to post bail, pending a preliminary inquiry. Authorities granted detainees immediate access to a lawyer and to family members.

Ordinarily, bail was available for minor charges. Persons charged with murder, treason, piracy, kidnapping for ransom, and hijacking, as well as persons convicted twice of violent crimes, were ineligible for bail for a period of 60 days following the charge; however, a judge may grant bail to such persons under exceptional circumstances. When authorities denied bail, magistrates advised the accused of their right to an attorney and, with few exceptions, allowed them access to an attorney once they were in custody and prior to interrogation.

The minister of national security may authorize preventive detention to preclude actions prejudicial to public safety, public order, or national defense, in which case the minister must state the grounds for the detention.

Pretrial Detention: Lengthy pretrial detention resulting from heavy court backlogs and inefficiencies in the judicial system continued to be a problem. Most persons under indictment waited between six and 10 years for their trial dates in the High Court. Officials cited several reasons for the backlog, including an understaffed and underfunded prosecutorial office, a shortage of defense attorneys for indigent persons, and the burden of the preliminary inquiry process. In addition the law requires anyone charged and detained to appear in person for a hearing before a magistrate's court every 10 days, if only to have the case postponed for an additional 10 days, resulting in further inefficiency.

#### **e. Denial of Fair Public Trial**

The constitution and the law provide for an independent judiciary, and the government generally respected this provision. Although the judicial process was generally fair, it was slow due to backlogs and inefficiencies. Prosecutors and judges stated that witness and jury intimidation remained a problem.

#### **Trial Procedures**

Magistrates try both minor and more serious offenses, but in the latter cases, the magistrate must conduct a preliminary inquiry. Trials are public, and the High Court uses juries. Defendants have the right to be present, are presumed innocent until proven guilty, and have the right to appeal. Authorities inform them promptly and in detail of all charges. All defendants have the right to consult with an attorney in a timely manner. Authorities provide an attorney at public expense to defendants facing serious criminal charges, and the law requires provision of an attorney to any person accused of murder. Although the courts may appoint attorneys for indigent persons charged with serious crimes, an indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement. Defendants can confront or question adverse witnesses, present witnesses and evidence on their own behalf, and access government-held evidence relevant to their cases. Defendants may not be compelled to testify or confess guilt.

Both civil and criminal appeals may be filed with the Court of Appeal and ultimately with the Privy Council in the United Kingdom.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The constitution and the law provide for an independent and impartial judiciary in civil matters, and citizens are free to file lawsuits against civil breaches in both the High Court and petty civil court. The High Court may review the decisions of lower courts, order parties to cease and desist from particular actions, compel parties to take specific actions, and award damages to aggrieved parties. The law authorizes the petty civil court to hear only cases involving damages of up to TT\$15,000 (\$2,400).

### **Regional Human Rights Court Decisions**

The government never complied with the 1999 to 2009 rulings of the Inter-American Court of Human Rights nor provided any official or public reaction to these rulings. They all dealt with cases predating the government's 1999 withdrawal from the American Convention on Human Rights. The convention states that such an action does not release a government from its obligations under the convention with respect to acts taken prior to the effective date of denunciation.

**f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and the law prohibit such actions, and the government generally respected these prohibitions.

**Section 2. Respect for Civil Liberties, Including:****a. Freedom of Speech and Press**

The constitution and the law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Freedom of Press: During the year several government officials publicly criticized journalists for having an alleged reporting bias. In July three print journalists resigned from a major daily newspaper, alleging government interference. Domestic and international media groups questioned the government's plan to mandate private media companies to broadcast one hour of government programming every day. Critics alleged that the programming amounted to political propaganda, and the government did not implement the mandate.

Censorship or Content Restrictions: The law prohibits acts that would offend or insult another person or group on the basis of race, origin, or religion or that would incite racial or religious hatred.

At least two smaller media outlets reported the government withheld advertising placements and hence revenue because of their criticism of the government.

In November a video circulated on social media outlets revealing private information about a journalist. The video highlighted the journalist's alleged bias against the ruling party and pointed to her affiliation with the opposition party. Critics accused government operatives of producing the piece.

**Internet Freedom**

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. According to the International Telecommunication Union, 35



percent of households had internet access and 59 percent of citizens used the internet in 2012.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The constitution and the law provide for freedom of assembly and association.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and various laws provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The government has not passed legislation to implement its obligations under the relevant UN conventions. The government placed asylum seekers in the care of the Living Water Community (LWC), a local Roman Catholic social services agency, while the UNHCR reviewed their cases and reached a final resolution. Pending Parliament's approval of implementing legislation, the Ministry of National Security's Immigration Division handled all requests for asylum on a case-by-case basis. A government bureaucratic process took as long as four years to provide authorizations allowing free movement to persons granted refugee status. Even with these authorizations in place, refugees had no rights to work, open a bank account, or obtain a driver's license. Due to

these challenges, the LWC continued to look for opportunities to resettle refugees in a foreign country. Through November the LWC provided services to 20 persons recognized as refugees and 29 adult asylum seekers with five children.

Temporary Protection: The government did not provide temporary protection to persons who might not qualify as refugees. The LWC reported that many persons who filed petitions eventually abandoned their applications and left the country or simply walked away from the LWC because of the lack of guaranteed protection.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and the law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage.

#### **Elections and Political Participation**

Recent Elections: The Caribbean Community observers found the 2010 national elections to be generally free and fair. During the campaign, however, there were isolated incidents of vandalism and violence, and the then prime minister required all television stations to broadcast an interview without paying. Citizens voted the incumbent PNM party out of office and elected the People's Partnership coalition, which secured 29 of the 41 parliamentary seats. The PNM won 12 seats.

Participation by Women and Minorities: Voters elected 12 women to the House of Representatives, and there were five women in the appointed 31-member Senate. There were seven women in the 39-member cabinet, including the prime minister, and 15 female judges among the 38 judges on the High Court and the Court of Appeals.

All major political parties reached out to voters from ethnic minorities, such as the Chinese, Syrian, Lebanese, and European-origin communities, and members of these groups held important positions in government. One individual of Arab ancestry served in the legislature.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials sometimes

engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a problem, and the Global Competitiveness Index listed government corruption as a hindrance to doing business.

Corruption: Corruption in the police and immigration services continued to be a problem, with senior officials acknowledging that officers participated in corrupt and illegal activities. There were allegations that some police officers had close relationships with gang leaders and that immigration officers often accepted bribes to facilitate drug and weapons trafficking. Prison guards were required to pass through screening devices to prevent the smuggling of contraband.

There were continued allegations that some ministers used their positions for personal gain.

Whistleblower Protection: There is no law providing broad protection to both public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality. The Integrity in Public Life Act provides protection to public employees who disclose violations of the act to the Integrity Commission.

Financial Disclosure: The law mandates that public officials disclose their assets, income, and liabilities to an Integrity Commission, which monitors, verifies, and publishes disclosures. Officials and candidates for public office were reluctant to comply with asset disclosure rules, primarily because of the perceived invasiveness of the process. The act stipulates a process when public officials fail to disclose assets and provides criminal penalties for failure to comply. The law clearly states which assets, liabilities, and interests public officials must declare. It also requires the declaration of assets and income of spouses and dependent children. By November the commission publicly listed 133 officials who failed to comply during 2009-11.

In addition to the Integrity Commission, the Anti-Corruption Investigations Bureau (ACIB), which falls under the attorney general, also works to combat corruption. The unit is charged with investigation of alleged corruption cases. The Director of Public Prosecutions (DPP) is responsible for instituting and undertaking criminal prosecutions. Both the DPP and the ACIB had sufficient resources and operated effectively and independently.

Public Access to Information: The law provides for public access to government documents, upon application. It includes a sufficiently narrow list of exceptions outlining the grounds for nondisclosure, although some critics charged that authorities exempted a growing number of public bodies from the law's coverage. The law has an appeal mechanism for review of disclosure denials. Critics also noted the law does not have an enforcement mechanism if the government does not respond within the prescribed 30-day period. There is no fee for requesting information, but requestors are required to pay the cost of copying documents. Criminal penalties, including imprisonment, exist for those who destroy documents of record, but there are no sanctions or other penalties for officials who do not comply with the procedural requirements of the law. The government maintained an easily navigable website on how to use the law effectively.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating human rights cases and publishing their findings. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The ombudsman investigates citizens' complaints concerning the administrative decisions of government agencies. Where there is evidence of a breach of duty, misconduct, or criminal offense, the ombudsman may refer the matter to the appropriate authority. The ombudsman has a quasi-autonomous status within the government and publishes a comprehensive annual report. Both the public and the government had confidence in the integrity and reliability of the office of the ombudsman and the ombudsman's annual report.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The government generally respected the constitutional provisions for fundamental human rights and freedoms for all without discrimination based on race, origin, color, social status, or gender.

#### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal and punishable by up to life imprisonment; however, the courts often handed down

considerably shorter sentences. The government and nongovernmental organizations (NGOs) reported that many incidents of rape and other sexual crimes were unreported, partly due to perceived insensitivity of police, exacerbated by a wide cultural acceptance of gender-based violence. The Crime and Problem Analysis Branch of the police service reported 468 cases of rape, incest, and other sexual offenses through November 1, with 197 of those solved. Although proper procedures were in place, there was little or no monitoring of rape and sexual assault cases. Police channeled further resources to its Victim and Witness Support Unit in an effort to overcome the public perception of insensitivity. The unit continued outreach activities during the year to support survivors of domestic violence.

Many community leaders asserted that abuse of women, particularly in the form of domestic violence, continued to be a significant problem. The law provides for protection orders separating perpetrators of domestic violence, including abusive spouses and common-law partners, from their victims. Courts may also fine or imprison abusive spouses. While reliable national statistics were not available, women's groups estimated that as many as 50 percent of all women suffered abuse.

The NGO Coalition against Domestic Violence charged that police often hesitated to enforce domestic violence laws and asserted that rape and sexual abuse against women and children remained a serious and pervasive problem.

The Division of Gender Affairs in the Ministry of Gender, Youth, and Child Development operated a 24-hour hotline for victims of rape, spousal abuse, and other violence against women. Hotline operators referred callers to eight shelters for female survivors, a rape crisis center, counseling services, support groups, and other assistance.

Sexual Harassment: No laws specifically prohibit sexual harassment. Although related statutes could be used to prosecute perpetrators of sexual harassment, and some trade unions incorporated antiharassment provisions in their contracts, both the government and NGOs continued to suspect that many incidents of sexual harassment went unreported.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and maternal health was widely available from health-care providers and online sources. According to

the UN Population Fund, skilled health personnel attended 98 percent of births, and 38 percent of women ages 15-49 used a modern method of contraception.

Discrimination: Women generally enjoyed the same legal rights as men, including employment, education, and inheritance rights. No laws or regulations require equal pay for equal work. While equal pay for men and women in public service was the rule rather than the exception, both the government and NGOs noted considerable disparities in pay between men and women in the private and informal sectors, particularly in agriculture.

The Ministry of Gender, Youth, and Child Development had primary responsibility for protecting women's rights and advancement, and it sponsored income-generation workshops for unemployed single mothers and nontraditional skills training for women.

## **Children**

Birth Registration: Every person born in the country is a citizen at birth, unless the parents are foreign envoys accredited to the country. Children born outside the country can become citizens at birth if on that date one or both of the parents is, or was, a citizen. The law requires registration of every child born alive within 42 days of birth.

Child Abuse: The law provides protection for children abused at home. The Ministry of Gender, Youth, and Child Development reported that young schoolchildren were vulnerable to rape, physical abuse, and drug use and that some had access to weapons or lived with drug-addicted parents. Authorities first assessed abused children removed from the home at a reception center for vulnerable children and then placed them with relatives, government institutions, or NGOs.

The law defines a child as less than 18 years of age. Sexual intercourse with a girl under 14 is punishable by a maximum of life in prison. If the girl is over 14 but under 16, the maximum punishment is 12 years for a first-time offender and 15 years for a repeat offender. Sexual intercourse with a boy under 16 is punishable by a maximum of five years in prison. Through November 1, police received 107 reports of sexual intercourse with girls between 14 and 16 and 71 reports of sexual intercourse with girls under 14.

The Coalition against Domestic Violence, in partnership with the Ministry of Education and the Ministry of the People and Social Development, operated the National Child Hotline, a free and confidential round-the-clock telephone hotline for at-risk or distressed children and young persons up to age 25. By mid-year the National Child Hotline received 12,582 calls, compared with 8,558 for the same period in 2012. Women and girls made 59 percent of the calls. The National Child Hotline referred all calls relating to physical or sexual abuse to police or to social service agencies.

The law prohibits corporal punishment of children, as well as sentencing a child to prison. According to NGOs, however, abuse of children in their own homes or in institutional settings remained a serious problem, but there were no reliable statistics on prevalence.

Forced and Early Marriage: Although the legal age for civil and Christian marriage is 18 for both men and women, the distinct laws and attitudes of the various religious denominations determine the minimum legal age for marriage. Under the Muslim Marriage and Divorce Act, the minimum legal age for marriage is 16 for men and 12 for women; under the Hindu Marriage Act, the minimum legal age for marriage is 18 for men and 14 for women; and the Orisa Marriage Act sets the minimum legal age for marriage at 18 for men and 16 for women. According to the UN Children's Fund, 8 percent of women under the age of 18 entered into marriage.

Sexual Exploitation of Children: Statutory rape is illegal. The age of sexual consent is 16 years for men and women; however, this does not apply if the parties are married. Courts can sentence persons found guilty of statutory rape to 12 years to life in jail. The law provides a penalty of up to 15 years' imprisonment for anyone who procures a child under 16 for prostitution. The law requires parents and guardians to report to police when they have reasonable grounds to suspect a sexual offense was being committed. Child pornography is illegal, and penalties for pornographers include a fine of TT\$2,000 (\$320) and four months' imprisonment.

International Child Abductions: The government is a party to the 1980 Hague Convention on International Child Abduction. See the Department of State's annual report on compliance at [travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

## **Anti-Semitism**

The Jewish community was very small. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <http://www.state.gov/j/tip/>.

### **Persons with Disabilities**

The law prohibits discrimination on the basis of disability but does not mandate equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, or other citizen services.

Persons with disabilities (an estimated 16 percent of the population) faced discrimination and denial of opportunities. Such discrimination could be traced to architectural barriers, employers' reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist children with disabilities to study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect.

The government improved access to transportation by implementing its on-call transportation service. The service offered 24 buses equipped to transport persons with disabilities. A majority of the traditional bus stops were located on high sidewalks without ramps. Most government buildings and public places were not accessible. There were no legal restrictions on access to information, communications, voting, or participation in civic affairs, although lack of accessibility posed a barrier to effective enjoyment.

### **Indigenous People**

The census did not record indigenous people as a distinct group, although a very small group of persons identified themselves as descendants of the country's original Amerindian population. The government effectively protected their civil and political rights, and they were not subject to discrimination.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**



Although the law criminalizes consensual same-sex sexual activity, providing penalties of up to 25 years' imprisonment, the government generally did not enforce such legislation, except in conjunction with more serious offenses such as rape. Immigration laws also bar the entry of "homosexuals" into the country, but the legislation was not enforced.

The Equal Opportunity Act identifies classes of persons protected from discrimination but does not prohibit discrimination based on sexual orientation. The Children Act, passed in 2012, decriminalizes sexual exploration between minors close in age but specifically retains language criminalizing the same activity among same-sex minors. Other laws exclude same-sex partners from their protections. Lesbian, gay, bisexual, and transgender (LGBT) rights groups reported that a stigma related to sexual orientation or gender identity in the country remained and likely inhibited reporting incidents. LGBT rights groups also reported individual cases of violence against LGBT persons, as well as a reluctance to report crimes to police due to fear of harassment by police and court officials. Several new NGOs advocating for LGBT rights emerged during the year.

### **Other Societal Violence or Discrimination**

HIV/AIDS remained a medical and public health concern for the government and society, and stigmatization of those with HIV persisted. Incidents of violence against this group were isolated events. In January the government launched the HIV & AIDS Agency and Secretariat, which coordinates the national response to HIV/AIDS. The government also employed HIV/AIDS coordinators in all ministries.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related statutes and regulations, provides for the right of most workers, including those in state-owned enterprises, to form and join independent unions of their choosing without prior authorization. Employees listed in essential services, such as hospital, fire, and communication services, do not have the right to strike, and walkouts can bring punishment of up to 18 months in prison. These employees negotiate with the government's chief personnel officer to resolve labor disputes. The law stipulates that only strikes over unresolved interest disputes may take place and that authorities may prohibit strikes at the request of one party if not called by a majority union.

The law also provides for mandatory recognition of a trade union when it represents 51 percent or more of the workers in a specified bargaining unit. The law allows unions to participate in collective bargaining and mandates reinstatement of workers illegally dismissed for union activities.

The government's Registration and Certification Board determines whether a given workers' organization meets the definition of a bargaining unit and can limit union recognition by this means. The Industrial Relations Act's definition of worker excludes domestic workers (maids, chauffeurs, and gardeners), but domestic workers have an established trade union that advocates for their rights. Separate legislation governs the employment relationship between the government and its employees, including civil servants, teachers, and members of the protective services (fire, police, and prison services). The Industrial Relations Act prohibits these employees from taking industrial action.

A union must have the support of an absolute majority of workers to obtain bargaining rights. This limited the right of collective bargaining. Furthermore, collective agreements must be for a minimum of three years, making it almost impossible for such agreements to cover workers on short-term contracts.

According to the National Trade Union Center, the requirement that all negotiations must go through the Public Sector Negotiation Committee, rather than through the individual government agency or government-owned industry, serves as an additional onerous restriction that adds significant time delays. Some unions claimed the government undermined the collective bargaining process by pressuring the committee to offer raises of no more than 5 percent over three years.

The government enforced labor laws effectively, including with effective remedies and penalties. Resources, inspections, and remediation were adequate, although some observers called for an increased number of unannounced inspections and additional industrial court judges. Worker organizations were independent of government and political parties. A union may request that the Industrial Court enforce the laws, and the court may order employers found guilty of antiunion activities or otherwise in violation of the Industrial Relations Act to reinstate workers and pay compensation or may impose other penalties, including imprisonment. There was no information on specific penalties or whether they were sufficient to deter violations.

Several public sector unions successfully negotiated with the government. There were no significant restrictions on strikes. Workers in nonessential services, such as the oil and the port employees, participated in industrial actions during the year.

### **b. Prohibition of Forced or Compulsory Labor**

In January the government implemented a law prohibiting forced and compulsory labor. At the same time, the government established the Counter-Trafficking Unit, charged with investigating potential forced labor cases and with referring cases for prosecution. The unit lacked appropriate office space and supplies but was able to investigate cases competently. Upon conviction, perpetrators of forced labor are subject to a fine of at least TT\$500,000 (\$80,000) and imprisonment for at least 15 years. Penalties are sufficient to deter violations.

There were five confirmed cases of forced labor during the year, including three cases of forced domestic service. In all five cases, the government charged alleged perpetrators under the Trafficking in Persons Act. The cases continued at year's end. Migrant workers were particularly susceptible to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment in public and private industries at 16. Children ages 14 to 16 may work in activities in which only family members are employed or that the minister of education has approved as vocational or technical training. The law prohibits children under age 18 from working between the hours of 10 p.m. and 5 a.m., except in a family enterprise or within other limited exceptions. Violation of these regulations is punishable by six months' imprisonment or a fine of TT\$2,500 (\$400). In cases of child trafficking, including forced or exploitive child labor, perpetrators are subject to fines of TT\$1,000,000 (\$160,000) and 20 years' imprisonment. There is no clear minimum age for hazardous employment.

The Ministry of Labor and Small and Micro Enterprise Development and the Ministry of the People and Social Development are responsible for enforcing child labor laws, and there were 19 inspectors trained to identify cases of child labor. The minister of labor may designate an inspector to gather information from parents and employers regarding the employment of a person under 18. The

Industrial Court may issue a finding of contempt against anyone obstructing the inspectors' investigation. Although the government was generally effective in enforcing child labor laws, and the penalties were sufficient to deter violations, there were anecdotal reports of children working in agriculture or as domestic workers.

The Ministry of Gender, Youth, and Child Development took over responsibility for the Revised National Plan of Action for Children and continued its implementation. The government did not have comprehensive mechanisms for receiving, investigating, and resolving child labor complaints. The Ministry of Labor and Small and Micro Enterprise Development reported that it did not receive any child labor complaints. There were anecdotal reports of children engaged in the worst forms of child labor in the small-scale agricultural sector and domestic service.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The national minimum wage was TT\$12.50 (\$2.00) per hour, although actual wages varied considerably among industries.

The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime. The law provides for paid leave, with the amount of leave varying according to length of service.

The Ministry of Labor and Small and Micro Enterprise Development was responsible for enforcing laws related to acceptable conditions of work. The law sets occupational health and safety standards, which the Occupational Safety and Health Agency (OSHA) enforced. The government's occupational health and safety regulations apply to all workers, regardless of citizenship. Local labor laws generally protected foreign laborers brought into the country, a stipulation usually contained in their labor contract. Resources, inspections, and penalties appeared adequate. The Occupational Safety and Health Act provides a range of fines and terms of imprisonment for violations of the law, and these penalties were sufficient to deter violations.

Safety standards were not always observed. As of September 21, OSHA reported 13 on-the-job fatalities, 19 serious but nonfatal accidents, and 355 noncritical accidents.